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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,803	10/11/2005	Bernhard Gleich	DE 030110	4527
24737	7590	01/17/2007	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			CHEN, VICTORIA W	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			3739	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	01/17/2007		PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/552,803	GLEICH, BERNHARD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Victoria W. Chen	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 October 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2 and 5-7 is/are rejected.
- 7) Claim(s) 3, 4 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10/11/05 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: The reference to claim numbers within the specification is improper because claims are frequently changed or renumbered during the application process. Applicant's specification is full of references to claim numbers that must be removed.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the temporal variation in the magnetization" in line 2. There is insufficient antecedent basis for this limitation in the claim. Examiner notes that a "temporally variable magnetic field" is mentioned in claim 4, however there is no reference to a temporally varying magnetization in the independent claim 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 2, 5, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kraus, Jr. et al. (US Pat No 6470220B1).

Regarding claims 1 and 6, Kraus, Jr. discloses an apparatus and method for heating magnetic particles in a target region by generating a magnetic field having a first low magnetic strength region and a second high magnetic strength region which is formed and changing the position in space of the sub-regions for so long and with such a frequency that the target region is heated, along with means for the acquisition and analysis of signals depending on the magnetization of the region of action [col. 13, ll. 9-62 and see claim 1].

Regarding claim 5, Kraus, Jr. discloses that the signals induced in the region of action are received with the help of a coil arrangement [col. 13, ll. 16-18].

Regarding claim 2 and 7, Kraus, Jr. discloses that the signals are acquired and analyzed during the heating-up process [col. 14, ll. 9-15].

#### *Allowable Subject Matter*

Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3739

US 20030006773 A1

US-PPGPUB

Ries, Guenter

Magnetic resonance apparatus

having a basic field magnet

US 6997863 B2

USPAT Handy; Erik S. et al.

Thermotherapy via targeted delivery of

nanoscale magnetic particles

US 6167313 A

USPAT Gray; Bruce Nathaniel et al.

Targeted hysteresis hyperthermia

as a method for treating diseased tissue

US 6635009 B2

USPAT Feucht; Peter

Magnetic field applicator for heating magnetic

substances in biological tissue

US 6599234 B1

USPAT Gray; Bruce Nathaniel et al.

Heating of magnetic material by

hysteresis effects

US 6575893 B2

USPAT Feucht; Peter

Magnetic field applicator for heating magnetic

substances in biological tissue

US 4662359 A

USPAT Gordon; Robert T.

Use of magnetic susceptibility probes in the

treatment of cancer

US 6149576 A

USPAT Gray; Bruce Nathaniel et al.

Targeted hysteresis hyperthermia

as a method for treating tissue

US 5622686 A

USPAT Gordon, deceased; David et al.

Diagnosis and treatment of viral

effects using magnetic metal transferrin particles

US 4622952 A

USPAT Gordon; Robert T.

Cancer treatment method

US 5658234 A

USPAT Dunlavy; John Harold

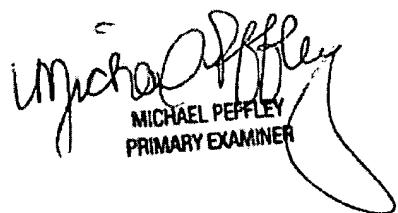
Method for treating tumors

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victoria W. Chen whose telephone number is (571) 272-3356. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VWC  
01/05/07



MICHAEL PEFFLEY  
PRIMARY EXAMINER